

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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GLEN TROMBLEY,

Plaintiff,

vs.

9:14-CV-998  
(TJM/TWD)

RICK KIER, *et al.*,

Defendants.

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THOMAS J. McAVOY,  
Senior United States District Judge

**DECISION & ORDER**

**I. INTRODUCTION**

This *pro se* action brought pursuant to 42 U.S.C. § 1983, was referred to the Hon. Andrew T. Baxter, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). No objections to Magistrate Judge Baxter's Order and Report-Recommendation [dkt. # 4] have been filed, and the time to do so has expired.

**II. DISCUSSION**

After examining the record, this Court has determined that the Order and Report-Recommendation is not subject to attack for plain error or manifest injustice.

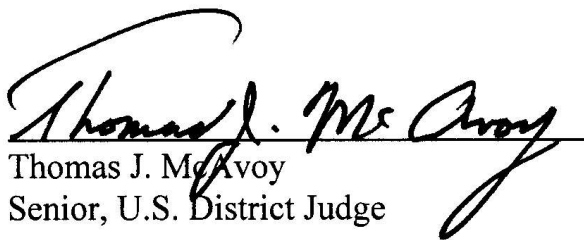
**III. CONCLUSION**

Accordingly, the Court **ADOPTS** the Order and Report-Recommendation [dkt. # 4]

for the reasons stated therein. Therefore, the Complaint brought against Defendant Kier and “the jail” is **DISMISSED WITH PREJUDICE**. Further, in all other respects the Complaint is **DISMISSED WITHOUT PREJUDICE TO FILING A PROPOSED AMENDED COMPLAINT** which satisfies the legal standards delineated in Magistrate Judge **Baxter’s Order and Report-Recommendation**. Plaintiff shall have sixty (60) days from the date of this Decision and Order to file such an amended complaint. The failure to do so will result in closure of this file without further action by the Court.

**IT IS SO ORDERED.**

Dated: December 13, 2014

  
Thomas J. McAvoy  
Senior, U.S. District Judge